

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JANE DOE 1,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-01302-JRS-MKK
)	
BUTLER UNIVERSITY,)	
MICHAEL HOWELL, individually and as)	
an agent of Butler University,)	
RALPH REIFF, individually and as an)	
agent of Butler University,)	
)	
Defendants.)	
<hr/>		
)	
BUTLER UNIVERSITY,)	
MICHAEL HOWELL, individually and as)	
an agent of Butler University,)	
)	
Cross Claimants,)	
)	
v.)	
)	
MICHAEL HOWELL, individually and as)	
an agent of Butler University,)	
MICHAEL HOWELL, individually and as)	
an agent of Butler University,)	
MICHAEL HOWELL, individually and as)	
an agent of Butler University,)	
MICHAEL HOWELL, individually and as)	
an agent of Butler University,)	
BUTLER UNIVERSITY,)	
)	
Cross Defendants.)	
<hr/>		
)	
JANE DOE 2 1:23-cv-1303,)	
JANE DOE 3 1:23-cv-1306,)	
JANE DOE 4 1:23-cv-1457,)	
)	

Consol Plaintiffs.)

Order Directing Further Proceedings

The Court has an obligation to ensure it has subject matter jurisdiction in any given matter. *Ne. Rural Elec. Membership Corp. v. Wabash Valley Power Ass'n*, 707 F.3d 883, 890 (7th Cir. 2013). Each Complaint in this set of since consolidated cases alleges jurisdiction under 28 U.S.C. § 1332(a)(1) on the basis of diversity. (See Pl's Compl. ¶ 10, ECF No. 1, case # 1:23-cv-01302.) Diversity jurisdiction requires diverse citizenship of the parties. For purposes of diversity jurisdiction, citizenship "is the place one intends to remain." *Dakuras v. Edwards*, 312 F.3d 256, 258 (7th Cir. 2002).

Plaintiffs allege that each Jane Doe is a "legal resident" of a state other than Indiana, and that Defendant Butler University "is a private institution of higher education located and operating in Marion County, Indiana." (See Pl.'s Compl. ¶¶ 12, 13, ECF No. 1.) Neither statement is sufficient to inform the Court about the parties' citizenship. For starters, residency and citizenship are not the same, and it is the latter that matters for purposes of diversity. *Meyerson v. Harrah's East Chi. Casino*, 299 F.3d 616, 617 (7th Cir. 2002). An allegation of Jane Doe's residency is inadequate to allege diversity. *Id.* An individual may have multiple residences, but only one place of citizenship, or domicile. Moreover, a corporation, including a 501(c)(3) non-profit organization, is a citizen of any state where it is incorporated *and* of the state in which it has its principal place of business. 28 U.S.C. § 1332(c)(1).

Plaintiffs also improperly allege Defendants Howell and Reiff's citizenship. The information in the Complaints regarding where Howell and Reiff "reside" is premised

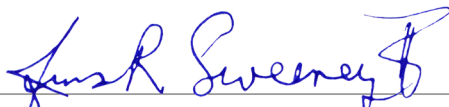
"upon information and belief." (See Pl.'s Compl. ¶¶ 14, 15, ECF No. 1.) Jurisdictional allegations meant to invoke the subject matter jurisdiction of a federal court must be made on personal knowledge, not on information and belief. *See America's Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992) (finding that only a statement about jurisdiction "made on personal knowledge has any value"). Moreover, as discussed, an allegation of residency is inadequate to allege diversity. *Meyerson* 299 F.3d at 617 (7th Cir. 2002).

Conclusion

For the above stated reasons, the Court hereby **ORDERS** the Parties to meet and confer and **by December 13, 2024**, to file a Joint Jurisdictional Statement that sufficiently sets forth the basis for this Court's alleged diversity jurisdiction. The statement should contain enough information for the Court to independently confirm that it has diversity jurisdiction in this matter. Given that Plaintiffs are proceeding pseudonymously, information about their states of citizenship may be filed under seal.

SO ORDERED.

Date: 11/27/2024


JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Monica Beck
The Fierberg National Law Group, PLLC
mbeck@tfnlgroup.com

Bailor Bell
The Fierberg National Law Group
bbell@tfnlgroup.com

Amanda C. Couture
Paganelli Law Group
amanda@paganelligroup.com

Anne L. Cowgur
Paganelli Law Group
acowgur@paganelligroup.com

Rachael J. Denhollander
The Fierberg National Law Group, PLLC
rdenhollander@tfnlgroup.com

Douglas E Fierberg
The Fierberg National Law Group, PLLC
dfierberg@tfnlgroup.com

Jacob Ryan Goodman
The Fierberg National Law Group, PLLC
jgoodman@tfnlgroup.com

William P. Kealey
Stuart & Branigin LLP
wpk@stuartlaw.com

Gregory L. Laker
COHEN & MALAD LLP
glaker@cohenandmalad.com

Fred Anthony Paganelli
PAGANELLI LAW GROUP
tony@tonypaganelli.com

Andrea Rose Simmons
S.K. HUFFER & ASSOCIATES, PC
asimmons@cohenandmalad.com